

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES TAP LIA, CHUOLJOCK)
TAP LIA, NYAPAIN LIA, NYAGAI)
LIA, and NYAWAI TUT,)

4:07CV3104

Plaintiffs,)

**MEMORANDUM
AND ORDER**

v.)

UNKNOWN ASHFORD, Judge,)
BRENDA LEUCK, State Prosecutor,)
and OMAHA POLICE)
DEPARTMENT,)

Defendants.)

This matter is before the court on its own motion. The complaint was filed in this matter on April 16, 2007 by Plaintiffs James Tap Lia, Chuoljock Tap Lia, Nyapain Lia, Nyagai Lia, and Nyawai Tut. (Filing No. 1.) The complaint was deemed deficient because it was not signed by all of the plaintiffs as required by Federal Rule of Civil Procedure 11 and as directed on Form A, the complaint form designated for use by a prisoner filing a complaint under 42 U.S.C. § 1983. Under this rule, “an unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.” Fed. R. Civ. P. 11.

The Court entered a text notice of deficiency on April 18, 2007, and mailed the complaint and the text notice of deficiency to the plaintiff Chuoljock Lia on the same day. The deficiency was therefore called to the attention of the plaintiffs on or about April 18, 2007. On April 24, 2007, Chuoljock Tap Lia filed a new complaint. That complaint was deficient as well. On the signature page of the new complaint the names “James Lia, Nyapain Lia, Nyawai Tut, and Nyagai Lia” were printed in what appears to be Chuoljock Tap Lia’s handwriting. However, James Tap Lia, Nyapain

Lia, Nyawai Tut, and Nyagai Lia have not actually signed the complaint as required under Federal Rule of Civil Procedure 11. Accordingly, all plaintiffs other than Chuoljock Tap Lia are dismissed from this action.

IT IS THEREFORE ORDERED that:

1. James Tap Lia, Nyapain Lia, Nyawai Tut, and Nyagai Lia are dismissed as plaintiffs from this action.

2. Plaintiff Chuoljock Tap Lia remains a plaintiff in this action and remains obligated to pay the full filing fee in accordance with the court's memorandum and order granting Chuoljock Tap Lia's motion to proceed in forma pauperis.

September 19, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge